

## REMARKS

The changes to the claims are being made to address the various objections and rejections under 35 U.S.C. 112 set forth in the Office Action. These changes are summarized as follows.

Claim 1 is amended to clarify that the final template creating step combines the first video image from the reflective domain with the NUC corrected image from the thermal infrared domain.

Claim 6 is amended to delete the extraneous words at the end of the claim.

Claim 9 is redundant as noted and is thus cancelled.

Claim 10 is amended to make a minor clarifying addition and to specify that the computer system includes software for processing the input reflective spectrum and thermal infrared signals to create and store a face representation template.

Claim 13 is amended to eliminate the noted grammatical errors.

Claims 14 and 15 are amended to change the terminology to be consistent with that used in claim 10, thereby eliminating the lack of antecedent basis. In addition, claim 15 is amended to spell out the acronym LWIR.

With reference now to the prior art rejections set forth in the Office action, claims 1-14 stand rejected under 35 U.S.C 103(a) as being unpatentable over Prokoski (US 6,173,068) in view of Prager et al. (US 5,471,240). Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Prokoski in view of Prager et al., and further in view of Waxman et al. (US 5,555,324). Applicant respectfully traverses each of these rejections in view of the following arguments.

Contrary to the assertions made in the Office Action, Prokoski does not disclose a method or apparatus for producing a first video image from the reflective domain or spectrum as recited in claims 1 and 10. In this regard, the Examiner has misinterpreted and taken out of correct technical context the use of medical imaging device 122 in Figure 11 of Prokoski. Column 20, lines 1-3 states that “Figure 11 illustrates alternate apparatus 100c for generating a medical image MI of a portion of the body via a medical imaging device 122 such as an x-ray machine.” The purpose of this is stated in lines 3-6: “The medical image can be annotated with a minutiae overlay to generate a medical image with minutiae overlay MIO from the output display/processing device.”

Medical imaging, such as x-ray machines or CT scans as cited do not in anyway sense in the *reflective domain*. In fact, the Prokoski patent never even cites the term “reflective” anywhere in the document. Since radiation in the reflective domain (e.g., visible, near-IR) penetrates only superficially into the human body, there is no way standard medical images can be usefully generated from the reflective domain. Furthermore, the purpose as cited above in Prokoski has to do with generating medical images by annotating them with a minutiae overlay. There is no mention about using the process for face recognition which is the purpose of the claimed subject invention. Prokoski discloses a process in which thermal IR generated minutiae is employed as an overlaid image on a medical image, which is not the same as fusing or combining thermal (emissive) imagery with reflective domain imagery for the purpose of face recognition as set forth in claims 1 and 10 of the subject application.

For the forgoing reasons, the combination of Prokoski with Prager cannot establish a prima facie case of obviousness under 35 U.S.C 103 as to claims 1 and 10,

since the combination of references does not teach or disclose each step or element of these claims. For the same reason, the rejections of the dependent claims are also traversed.

Further, regarding the rejection of claim 15, the assertion in the Office Action that Prokoski discloses that the reflective domain is the visible spectrum is also not correct. Once again, the reflective domain is not disclosed in Prokoski. In addition, there is no mention in Prokoski that the disclosed process and apparatus employs visible light. For these reasons also, the rejection of claim 15 is traversed.

In view of the foregoing, Applicants respectfully submit that all of the claim rejections are either overcome or traversed and that the application is now in condition for allowance. Accordingly, favorable reconsideration is respectfully requested.

Respectfully Submitted,

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